

229



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,261	07/26/2001	David A. Orbits	40062.91US01	7808

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,261

Applicant(s)

ORBITS ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Remarks

1. The request for reconsideration filed on August 9, 2004 has been received and entered.  
Claims 7-17 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bianchi et al. (U.S. Patent No. 5, 664,098).

As to claim 7, Bianchi et al. discloses a computer-readable medium on which is stored a data structure, the data structure comprising:

a first field identifying the data structure as a special data structure (See column 10, lines 1-30, wherein “special structure” reads on “database”); and

a second field identifying a plurality of resources, at least two of the plurality of resources being necessary for a proper functioning of the plurality of resources, wherein, in response to determining that the data structure is a special data structure based on the information stored in the first field, a service determines whether each of the plurality of resources exists on the computer-readable medium, and if not, delays access to the plurality of resources (See column

63, lines 11-59, wherein “data structure” reads on “table”, also see column 11, lines 5-38, and see column 12, lines 43-64).

As to claim 8, Bianchi et al. discloses wherein the data structure further comprises a third field identifying a security context in which the plurality of resources may function, the security context being similar to a security context associated with a creator of the data structure (See column 9, lines 13-34).

As to claim 9, Bianchi et al. discloses wherein the service launches at least one of the plurality of resources identified in the second field in a process having the security context identified in the third field (See column 10, lines 7-23, and see column 11, lines 5-19, wherein “third field” reads on “database” since a database table has more than one field and could be easily customized to include any defined number of fields).

As to claim 10, Bianchi et al. discloses wherein the data structure is transmitted over a transmission medium from the computer-readable medium to another computer-readable medium having another instance of the service (See column 3, lines 22-35).

As to claim 11, Bianchi et al. discloses wherein the data structure further comprises a third data field including a time at which the manifest file will expire (See column 10, lines 7-23, also see column 15, lines 9-27, and see column 16, lines 1-7).

As to claim 12, Bianchi et al. discloses wherein the expiration time identifies a time within which each of the plurality of resources must be available on the computer-readable medium (See column 6, lines 30-7).

*Allowable Subject Matter*

4. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Parthesarathy et al. (U.S. Patent No. 6,353,926) a method for software update using GUID representing the unique identifier to each version but Parthesarathy et al. does not indicate the software update based on the specific four claimed fields as identified in claim 13.

The prior art of record Norin et al. U.S. Patent No. 5,787,247, and Parthesarathy et al. (U.S. Patent No. 6,353,926) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim), wherein the data structure further comprises a third field identifying a launch-mode option for executing a particular resource within the plurality of resources, as claimed in dependent claim 13 in conjunction with remaining claims provisions.

The dependent claims 14-17, being further limiting to the independent claims, definite and enabled by the Specification are also objected to as allowable subject matter.

***Response to Arguments***

6. Applicant's arguments filed on August 9, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that "Bianchi et al. does not disclose a service that determines whether each of the plurality of resources exists on the computer-readable medium, and if not, delays to the plurality of resources" is acknowledged but is not deemed to be persuasive.

The Examiner refers to Bianchi et al. column 4, lines 1-40, wherein validation and verification of the user's accessibility to the resource is taught. In column 4, lines 48-52, Bianchi et al. teaches the "determining" step by stating validation of newly created resource component must be verified prior to access. Bianchi et al. in column 7, lines 1-50, teaches data structure is created at system and startup and contains information defining system resources and pointers to the different task groups established by the system represented by a corresponding number of group control blocks in the system which broadly interpreted as evidence teaching the existence of plurality of resource being defined by the controller and managing in queue access to these resources.

The Examiner also contends that with 'If' statement, the recitation is in the alternative which indicates that the claim is in reference to a process that can be made either entirely one way or partly the other way or in any alternative. If the reference teaches the basis of the claim,

then the alternative is only presented as an option in the claim that doesn't have to necessarily be implemented or considered.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
November 21, 2004



**SAM RIMELL**  
**PRIMARY EXAMINER**